Remarks

The Office Action mailed April 25, 2006, and made final, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected. Claims 1, 6, and 12 have been amended.

The rejection of Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,275,812 to Haq et al. (hereinafter referred to as "Haq") in view of U.S. Patent 6,385,620 to Kurzius et al. (hereinafter referred to as "Kurzius") is respectfully traversed.

Haq describes a system and method for human resource skill management, training, career development, and deployment for the employees of a company. The system compares the employees' skills to skills required for a position within the company in a one to one correspondence. The method uses skill templates that enable a project manager to compare the employee's skills with skills that are required by each member of the project team to assess the employee's suitability for a position. A weighting system is also used to establish the relative significance of various skills. An assessment of an employee's suitability for a project within the company is based on a quantitative evaluation and not based on subjective considerations. Notably, Haq does not describe or suggest evaluation based on subjective considerations, such as, educational background and/or personal background. Further, Haq does not describe or suggest selecting at least one candidate, displaying, in a tabular and/or graphical form, the results of a candidate assessment, a candidate's educational background and/or a candidate's personal background for each candidate selected to be interviewed, such that the selected candidates can be compared. Rather, Haq describes comparing an employee's skills to a skill template and deploying the employee with the highest suitability skill index average (SSIA) and relative skill index average (RSIA). As such, Haq merely describes objectively comparing employees, rather than *objectively and subjectively* comparing candidates.

Kurzius describes a candidate web engine in communication with a network. Using the web engine candidates for a job can post inquiries and information relative to their experience. Likewise, an employer can post job opportunities and a desired skill set or experience for the job opportunity. The web engine matches potential employers with potential employees using the information provided on the web engine. Notably, Kurzius does not describe or suggest generating results of a candidate assessment, displaying, in a tabular and/or graphical form, the results along with candidate educational background and personal background, such that potential candidates can be compared.

Claim 1 recites a computer-implemented method for determining candidates to interview, wherein the method comprises the steps of "providing pre-determined desired qualities for a candidate, the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills . . . prompting a user to determine and input into a computer whether the candidate possesses at least one of a plurality of independent characteristics, a predetermined combination of characteristics being indicative of a degree to which the candidate possesses the desired qualities . . . prompting the user to input a candidate's educational background and personal background . . . generating a database in a computer readable medium including at least one characteristic for each candidate wherein the at least one characteristic is correlative to the desired qualities . . . normalizing the characteristics, normalizing includes comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the desired quality, and assigning a value to each desired quality based on the comparison . . . displaying results for each candidate based on the desired quality values . . . selecting at least one candidate to interview based on the desired quality values . . . displaying, in at least one of a tabular form and a graphical form, the results, the educational background, and the personal background for each of the at least one candidate selected, to enable the user to compare the selected candidates."

Neither Haq nor Kurzius, considered alone or in combination, describes or suggests a computer-implemented method for determining candidates to interview, as is recited in Claim

1. More specifically, neither Haq nor Kurzius, considered alone or in combination, describes or suggests a method including displaying, in at least one of a tabular form and a graphical, form results of an assessment, educational background, and personal background for each of at least one candidate selected to interview, to enable the user to compare the selected candidates, as is required by Applicants' claimed invention. Rather, in contrast to the present invention, Haq describes automatically assigning an employee to a position based on an objective evaluation, and Kurzius merely describes a web system for posting resumes and job opportunities.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Haq in view of Kurzius.

Claims 2-5, and 19-20 depend from independent Claim 1. When the recitations of Claims 2-5, and 19-20 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5, and 19-20 likewise are patentable over Haq in view of Kurzius.

Claim 6 recites a selection system for determining candidates to interview, wherein the system comprises "a database stored in a memory comprising at least one independent characteristic for each candidate, and pre-determined dependent desired qualities for a candidate wherein the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills and wherein the at least one characteristic is correlative to the desired qualities, a predetermined combination of characteristics being indicative of a degree to which the candidate possesses the desired qualities, the memory further comprising educational background and personal background for each candidate . . . a processor programmed to . . . prompt a user to determine whether the candidate possesses the at least one independent characteristic . . . normalize the characteristics by comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the dependent desired quality, and assigning a value to each of the desired qualities . . . display results for each candidate based on the desired quality values . . . display, in at least one of a tabular form and a graphical form, the results,

the educational background, and the personal background for each of a candidate selected to be interviewed, to enable the selected candidates to be compared by the user."

Neither Haq nor Kurzius, considered alone or in combination, describes or suggests a selection system for determining candidates to interview as is recited in Claim 6. More specifically, neither Haq nor Kurzius, considered alone or in combination, describes or suggests a selection system including a processor programmed to display, in at least one of a tabular form and a graphical form, the results of an assessment, educational background, and personal background for each of a candidate selected to be interviewed, to enable the selected candidates to be compared by the user, as is required by Applicants' claimed invention. Rather, in contrast to the present invention, Haq describes automatically assigning an employee to a position based on an objective evaluation, and Kurzius merely describes a web system for posting resumes and job opportunities.

Accordingly, for at least the reasons set forth above, Claim 6 is submitted to be patentable over Haq in view of Kurzius.

Claims 7-11 depend from independent Claim 6. When the recitations of Claims 7-11 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 7-11 likewise are patentable over Haq in view of Kurzius.

Claim 12 recites an apparatus for screening candidates to interview, wherein the apparatus comprises "a processor comprising a memory and programmed to . . . generate a database in the memory comprising at least one characteristic for each candidate, and pre-determined desired qualities for a candidate wherein the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills, and wherein the at least one characteristic is correlative to the desired qualities, a predetermined combination of characteristics being indicative of a degree to which the candidate possesses the desired qualities, the memory further comprising educational background and personal background for each candidate . . . prompt a user to determine whether the candidate possesses the at least one independent characteristic . . . normalize the characteristics desired qualities by comparing a total number of characteristics, possessed by

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the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the dependent desired quality, and assigning a value to each of the desired qualities . . . display results for each candidate based on the desired quality values . . . display, in at least one of a tabular form and a graphical form, the results, the educational background, and the personal background for each of a candidate selected to be interviewed, to enable the selected candidates to be compared."

Neither Haq nor Kurzius, considered alone or in combination, describes or suggests an apparatus for screening candidates to interview as is recited in Claim 12. More specifically, neither Haq nor Kurzius, considered alone or in combination, describes or suggests an apparatus including a processor programmed to display, in at least one of a tabular form and a graphical form, the results of an assessment, educational background, and personal background for each of a candidate selected to be interviewed, to enable the selected candidates to be compared, as is required by Applicants' claimed invention. Rather, in contrast to the present invention, Haq describes automatically assigning an employee to a position based on an objective evaluation, and Kurzius merely describes a web system for posting resumes and job opportunities.

Accordingly, for at least the reasons set forth above, Claim 12 is submitted to be patentable over Haq in view of Kurzius.

Claims 13-18 depend from independent Claim 12. When the recitations of Claims 13-18 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 13-18 likewise are patentable over Haq in view of Kurzius.

Moreover, Applicants respectfully submit that obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Haq with Kurzius, or vice versa. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicants." In re Kotzab, 55 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Furthermore, as is well established, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. See In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984). Furthermore, the Federal Circuit has determined that:

> [i]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."
> In re Fitch, 23 USPQ2d 1780, 1780 (Fed. Cir. 1992).

Further, under Section 103, "it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 USPQ2d 1438 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Accordingly, since there is no teaching or suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for at least this reason, Applicants submit that Claims 1-20 are patentable over Haq in view of Kurzius.
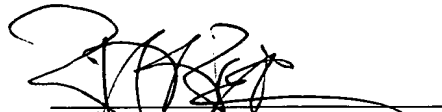
For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-20 be withdrawn.

    In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

<div align="center">Respectfully Submitted,</div>

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